

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*

State Engineer,

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

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CLERK-SANTA FE

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM

Village of Chama, Section 7

Subfile No.: CHCV-001-0007

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

CUMBRES & TOLTEC SCENIC RAILROAD COMMISSION

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Village of Chama, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

8001

4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Village of Chama, Section 7, is set forth below:

A. COMMERCIAL (Groundwater & Surface Water Combined):

Office of the State Engineer Files No(s) 03092, 03357, 04511, and 04511 into 4885.

Priority: Reserved for future determination by court order entered November 19, 2002.

Reserved for future determination by court order entered November 19, 2002.

Source of Water: CHAMA VALLEY DITCH: Surface water of the Rio Chama.

INFILTRATION GALLERY (04511 INTO 4885): Chama Valley Ditch, a tributary of the Rio Chama

Purpose of Use: COMMERCIAL

Point of Diversion:

Infiltration Gallery: INFILTRATION GALLERY (04511 INTO 4885)

Location: X= 1,544,679 feet Y= 2,148,084 feet

Ditch: CHAMA VALLEY DITCH

Location: X= 1,545,085 feet Y= 2,149,000 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Place of Use:

Steam engine trains at Cumbres & Toltec Railroad in Chama, New Mexico

Amount of Water Reserved for future determination by court order entered November 19, 2002.

5. Defendant(s) have no surface or groundwater rights in the Rio Chama Stream System, Village of Chama, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.

6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the waters of the Rio Chama Stream System, Village of Chama, Section

7, except in strict accordance with the water rights described herein.

7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

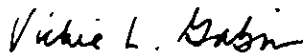
IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Village of Chama, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public waters of the Rio Chama Stream System, Village of Chama, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER

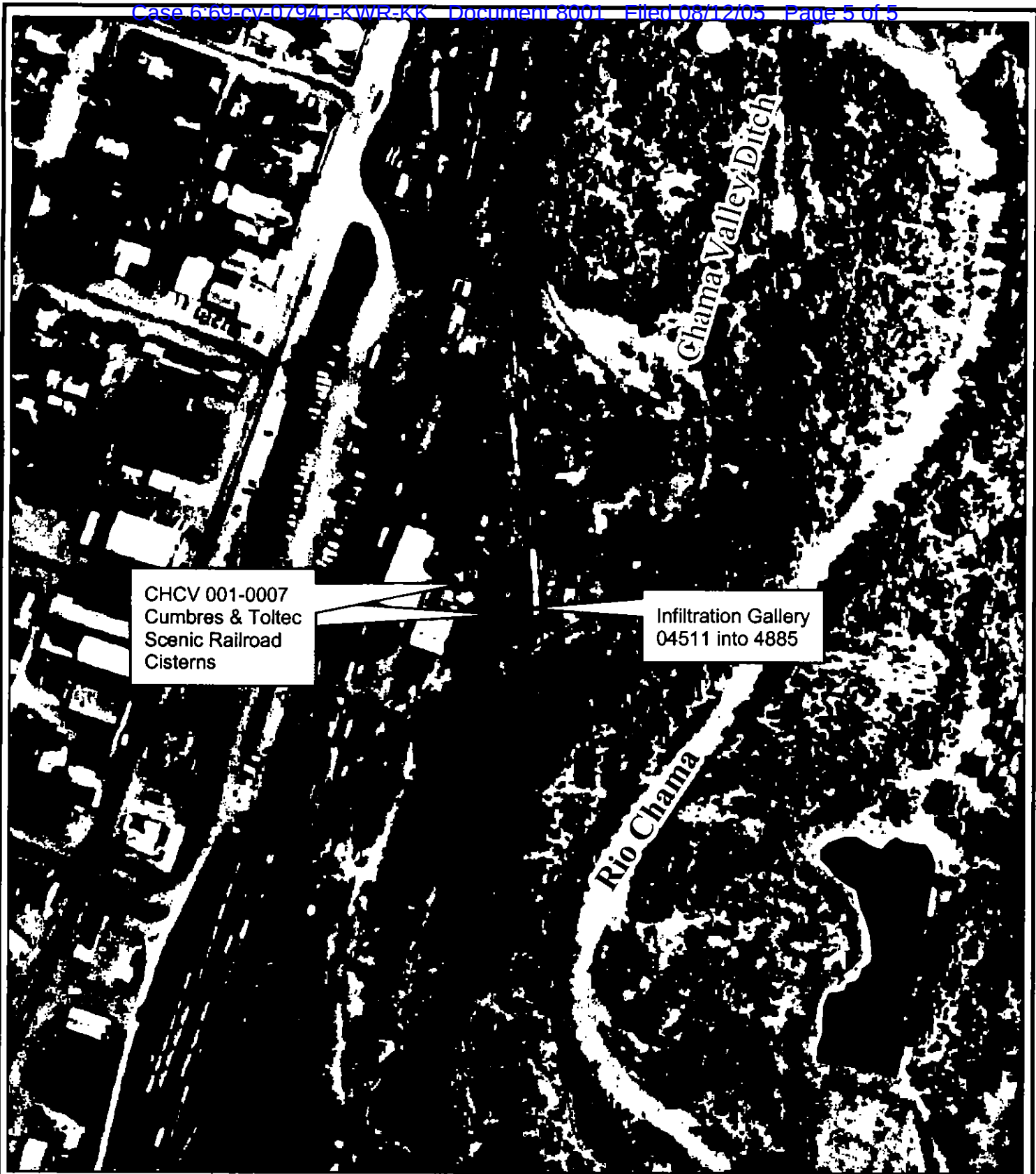
SIGNATURE Carl M. Turner
CUMBRES & TOLTEC SCENIC RAILROAD
COMMISSION

ADDRESS: P.O. Box 561
Aritomito Co. 81120
4-26-05
DATE: CARL M TURNER










OFFICE OF STATE ENGINEER
SANTA FE, NEW MEXICO
2005 APR 26 PM 3:12

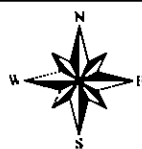
Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

5-2-05
Date

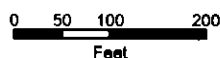


LEGEND

- | | |
|---|--|
|  Irrigated Tract Boundary |  Point of Diversion |
|  No Right Tract Boundary |  Fallow |
|  Seeped Land |  No Right |
|  Operable Ditch / Lateral | |
|  Inoperable Ditch / Lateral | |
|  Reservoir / Stock Pond | |



1 inch = 200 feet



STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E.,
State Engineer

Rio Chama Hydrographic Survey
Village of Chama Section

Subfile Number
CHCV 001-0007
Chama Valley Ditch
& Infiltration Gallery
04511 into 4885

AMENDED
November 12, 2004

